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# Security Council

Sixty-ninth year

*Provisional*

**7180**th meeting
Thursday, 22 May 2014, 10 a.m.
New York

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| *President*: | Mr. Oh Joon | (Republic of Korea) |
| *Members*: | Argentina | Mrs. Perceval |
| | Australia | Mr. Quinlan |
| | Chad | Mr. Cherif |
| | Chile | Mr. Barros Melet |
| | China | Mr. Wang Min |
| | France | Mr. Araud |
| | Jordan | Mr. Omaish |
| | Lithuania | Ms. Murmokaitė |
| | Luxembourg | Ms. Lucas |
| | Nigeria | Mr. Laro |
| | Russian Federation | Mr. Churkin |
| | Rwanda | Mr. Gasana |
| | United Kingdom of Great Britain and Northern Ireland | Sir Mark Lyall Grant |
| | United States of America | Ms. Power |

## Agenda

The situation in the Middle East

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*The meeting was called to order at 10.10 a.m.*

**Adoption of the agenda**

*The agenda was adopted.*

**The situation in the Middle East**

**The President**: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Albania, Andorra, Austria, Belgium, Botswana, Bulgaria, Canada, the Central African Republic, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Libya, Liechtenstein, Malta, the Marshall Islands, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, the Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sweden, Switzerland, the Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and the United Arab Emirates to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2014/348, which contains the text of a draft resolution submitted by Albania, Andorra, Australia, Austria, Belgium, Botswana, Bulgaria, Canada, the Central African Republic, Chile, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I wish to welcome Deputy Secretary-General Jan Eliasson, to whom I now give the floor.

**The Deputy Secretary-General**: I deliver this statement on behalf of the Secretary-General.

"Since the outbreak of the war in Syria, I have persistently called for accountability for perpetrators of grave human rights violations, crimes against humanity and war crimes. The recent attacks against humanitarian convoys and personnel, which may constitute war crimes, add to the urgent need to see action now on accountability in Syria.

"The Security Council has an inescapable responsibility in that regard. States that are members of both the Security Council and the Human Rights Council have a particular duty to end the bloodshed and to ensure justice for the victims of unspeakable crimes.

"In February 2013, the Commission of Inquiry concluded that the International Criminal Court was the appropriate venue to pursue the fight against impunity in Syria. The High Commissioner for Human Rights has repeatedly called on the Security Council to refer the situation in Syria to the Court, most recently in April. The Syrian people have a fundamental right to justice. The United Nations and its Member States have a fundamental duty to defend that right. I support mechanisms that can genuinely hold perpetrators to account. It is clear in this case that no side to the tragedy is innocent. Let us also recall that accountability will help prevent further atrocities.

"For more than three years, the Security Council has been unable to agree on measures that could bring an end to this extraordinarily brutal war, which has deeply affected and damaged not only millions of Syrian civilians but also the entire region. If members of the Council continue to be unable to agree even on a measure that could provide some accountability for the ongoing crimes, the credibility of this body and of the entire Organization will continue to suffer.

"When we talk of accountability we should be thinking not only of the parties to the conflict, we should also think of those outside who are fuelling the conflict and exacerbating the suffering by their continued supply of weapons to those who are committing the atrocities.

"I call again on the Council and plead with the members to set aside their differences and to finally work together on a joint approach that can bring an end to this long nightmare for the Syrian people.

They desperately need an end to the violence, and a political solution. We all have a responsibility to help the Syrian people finally see a future of peace."

**The President**: I thank Mr. Eliasson for his statement.

I shall now give the floor to the member of the Security Council who wishes to make a statement before the voting.

**Mr. Araud** (France) (*spoke in French*): I have asked to speak before the voting on draft resolution S/2014/348, which France had the honour to present, in order to explain the reason behind our approach. France's proposal is not a new chapter in the divisiveness besetting the Security Council when it comes to the Syrian crisis; on the contrary, it aims at re-establishing the Council's unity around the values shared by its members.

All of us around this table are horrified by the tragedy being experienced by the Syrian people: more than 160,000 deaths, more than 9 million displaced persons and refugees, a country destroyed, hunger and epidemics. That is already an overwhelming tally, against the backdrop of the certainty that both sides have committed atrocities against defenceless civilians. The presentation to the Council and the media of the "Cesar" report several weeks ago, on France's initiative, served to underscore the barbarity. Thousands of photos, verified by independent experts, showed starved and tortured corpses in the regime's prisons.

Killing, torture and rape occur today in Syria not just as atrocious consequences of a civil war, but as part of a deliberate policy to terrorize and punish. Commanders give free rein to their troops to ignore the law — or put more simply, humanity itself. The Government bombs civilian neighbourhoods with explosive barrel bombs, missiles and chemical weapons. Terrorist groups carry out indiscriminate attacks. Tens of thousands of people have been disappeared. Torture and starvation are carried out on a large scale. In a country with an ancient civilization, we are seeing the unleashing of brutality and cruelty whose victims are not mere statistics, behind which we too often hide, but men, women and children with names, faces and loved ones.

In the face of so many trampled lives and the negation of the values for which the Organization stands, nothing is worse than silence. For silence means acquiescence, compromise and complicity. I do not ignore the divisions that exist within the Council; I know the differing analyses of members. I respect them even if I do not share them. But certain facts are clear to all. As Mr. Brahimi said here in the Council a few days ago, there are no prospects in Syria today for negotiation. This is not the time or place to assign responsibility for that, but just to point it out. To argue that the involvement of international justice would undermine the peace process therefore makes no sense, as there is no peace process and, in the short and medium term, there are no prospects for any peace process either.

They refuse to negotiate because they want to be victorious and think they can be. They will not negotiate because they think it is a matter of killing or being killed. They will not negotiate with those whose brothers and wives they have killed or tortured. They are so afraid of their vengance that they must kill them too.

In that context, France's proposal is based on the belief that the impasse should not lead us to turn our gaze away from the atrocities committed in Syria every day. It aims at overcoming our differences in order to focus on the asepct of our humanity we all share. The draft resolution was rewritten in order to make it acceptable to all. It aims to apply in the Syrian situation a principle already agreed in resolutions 2118 (2013) and 2139 (2113), namely, to reject impunity. It also covers the territorial integrity of Syria. With regard to the responsibilities of the parties, it again includes language repeatedly agreed and merely calls for recognizing the jurisdiction of the International Criminal Court in the Syrian civil war in line with similar provisions in resolution 1593 (2005), on the situation in Darfur, and in resolution 1970 (2011), on Libya, against which no Member State vote against.

Acting in unison, the Council would thereby say that it would not forget the crimes being committed today on a mass scale in Syria; that it would not forget that leaders tolerated them or even encouraged or ordered them; that in 2014 people could no longer behave as they did in 1942 or 1994; and that it would not allow the state of barbarity to return. Perhaps we could stop an executioner on the verge of committing a crime. In any case, we would restore the Council's honour by allowing it to say the right thing and to re-establish morality over its divisions. I am convinced that, those divisions aside, we share the same values, the same

indignation and the same resolve. The time has come to say so. The time has come to prove it.

The draft resolution I have the honour of presenting to my colleagues for a vote is an appeal to human conscience. It is not a political gesture; it is quite simply a moral act. If the Council were not to adopt it, that would be an insult to the millions of Syrians who are suffering. It would be proof that some have learned nothing from history. It would recall that some, whatever they may claim, have opted for unconditional support for the Damascus regime, whatever crimes it commits, and by the same stroke to exonerate Al-Qaida. Extending equal impunity to all criminals is not a paradox; there is brotherhood in crime.

A veto today would recall that fact. A veto would cover up all crimes; it would be a veto against justice. It would give new justification to the French proposal to limit the use of the right of the veto in the case of mass atrocities.

**The President**: I shall now put the draft resolution to a vote.

*A vote was taken by show of hands.*

*In favour*:

Argentina, Australia, Chad, Chile, France, Jordan, Lithuania, Luxembourg, Nigeria, Republic of Korea, Rwanda, United Kingdom of Great Britain and Northern Ireland and United States of America

*Against*:

China, Russian Federation

**The President**: There were 13 votes in favour, 2 votes against and no abstentions. The draft resolution has not been adopted, owing to the negative vote of a permanent member of the Council.

I now give the floor to those members of the Council who wish to make a statement after the vote.

**Ms. Power** (United States of America): Today is about accountability for crimes so extensive and so deadly that they have few equals in modern history. Today is about accountability for Syria, but it is also about accountability for the Security Council. It is the Council's responsibility to stop atrocities if we can and, at a minimum, to ensure that the perpetrators of atrocities are held accountable. It was towards that minimum that we sought to make progress today. My Government applauds the vast majority of Council members that voted to support and the 64 countries that joined us in sponsoring the effort to refer those atrocities to the International Criminal Court (ICC).

Sadly, because of the decision of the Russian Federation to back the Syrian regime no matter what it does, the Syrian people will not see justice today. They will see crime but not punishment. On 15 April, the members of the Council were briefed on a report that included 55,000 gruesome photos of the emaciated and tortured bodies of dead Syrians whom world-renowned international lawyers concluded had been methodically eliminated by a Government killing machine.

The photos were reportedly provided by an individual, alias Caesar, who worked for 13 years as a member of the Syrian military police. When the fighting began, he says that he was instructed to record the images of people starved, beaten, tortured and executed by Syria's security forces. Those photos shock and horrify, even after some of us wondered if there was anything that the regime could do that would still shock. Syrian soldiers had already compelled doctors not to care for the wounded, dragged patients out of hospital beds, laid siege to whole neighbourhoods, cut off access to desperately needed supplies, and carried out chemical weapons attacks and barrel bomb attacks with the full confidence that meaningful action by the Council would be obstructed.

A judicial process does more than hold perpetrators accountable. It also allows victims to speak. The vetoes today have prevented the victims of atrocities from testifying at The Hague for now. Nonetheless, it is important for us in the Council today to hear the kind of testimony we might have heard if Russia and China had not raised their hands to oppose accountability for war crimes and crimes against humanity. Because of the vetoes just cast, one of Al-Assad's victims, Qusai Zakarya, will not soon be called to testify before the International Criminal Court. But Qusai's story of life in Moadamiyah during the siege, as hard as it is to hear, must be heard. Qusai Zakarya is in the Council with us today, and I would like to ask him to stand.

Today, I will tell Qusai's story as he told it to us. Qusai's home, Moadamiyah, just outside Damascus, was one of the Al-Assad regime's prime targets. During the August 2013 chemical weapons attacks, Qusai ran out to the street and tried to help his neighbours. He quickly lost his ability to breathe. His eyes afire, Qusai's heart stopped, and he was left for dead before a friend stumbled upon him and realized that he had again begun breathing. Qusai recounts his bewilderment as

he watched neighbours suffocate, friends panic and families perish. He remembers the face of a 13-year-old boy just a few feet from his home. He describes the boy as so innocent. He recalls that he had done nothing, yet the expression on the 13-year-old's face was the most terrifying thing that Qusai has ever seen as white foam streamed from his mouth and death crept in.

If Qusai could testify, he might tell the story of his neighbour, Abou Mohammed, a waiter in Damascus, while his wife and daughter lived in Moadamiyah. Abou Mohammed's daughter was seven years old. She had a heart condition that required medication not available in besieged Moadamiyah, so Abou Mohammed did what any father would do and attempted to bring her medicine from Damascus. He was captured by Al-Assad's mercenaries, tortured with acid and ultimately killed. His body was thrown on Highway 40. Without medicine to treat her heart condition, Abou Mohammed's seven-year-old daughter died. Qusai might also tell the story of Rana, an 18-month-old baby girl. Rana's dad ran a grocery store before the siege. After the siege, he watched as his daughter Rana died from malnutrition because she could not get milk that used to sit on his store's shelves.

Qusai has said that when he walks around the United States, he notices people in restaurants getting on with day-to-day life. He notices the small leftovers that we leave on our plates, and he remembers watching his neighbours' desperation to get a small piece of rotten bread in Moadamiyah. Qusai's account of his experience in Moadamiyah deserves to be heard. It deserves to be examined by an independent court and, if crimes are proven, those responsible deserve to be held accountable.

The vetoes cast today prevent that from happening. Strikingly, those vetoes also protect the monstrous terrorist organizations operating in Syria. Those who would behead civilians and attack religious minorities will not be soon held accountable at the ICC either, for today's vetoes by Russia and China protect not only Al-Assad and his henchmen but also the radical Islamic terrorists who continue a fundamentalist assault on the Syrian people that knows no decency or humanity. Such vetoes have aided impunity not just for Al-Assad but for terrorist groups, as well.

In the past, when extraordinary crimes have been carried out, the International Criminal Court has been able to act. Why is it that the people of Uganda, Darfur, Libya, the Central African Republic, the Democratic Republic of the Congo, Côte d'Ivoire, Mali and Kenya deserve international and impartial justice, but the Syrian people do not? Why should the International Criminal Court pursue accountabililty for the atrocities in Africa but not those in Syria, where the worst horrors of our time are being perpetrated? For those who have asked the Security Council that very reasoanble question, today they have their answer — the Russian and Chinese vetoes.

Our grandchildren will ask us years from now how we could have failed to bring justice to people living in hell on Earth. The history books may well depict photographs taken by Caesar of emaciated, acid-scarred corpses juxtaposed with a photo of the two members of the Council that prevented justice for the victims, such as Qusai, who longed to see the end of such horrors.

Today is therefore about accountability not just for the victims of Al-Assad's regime or Qusai and his neighbours in Moadamiyah but for members of the Security Council. Month after month, year after year, we have each spoken about the importance of justice and the need for accountability in Syria. Victims and survivors have begged for action and cried out for justice. The international community has supported the ad hoc efforts to collect evidence to record testimony. We have launched commissions of inquiry to find facts and held meeting after meeting but before today, we have not put forward a draft resolution to refer the situation to the International Criminal Court. We have not done so because we were afraid that it would be vetoed.

However, the victims of Al-Assad's industrial killing machine and of terrorist attacks deserve more than to have more dead counted. They deserve to have each member of the Security Council counted and held to account. They deserve to have history record those who stood with them and were willing to raise their hands to deny them the chance of justice. While there may be no accountability before the ICC today for the horrific crimes being carried out against the Syrian people, there should be accountability for those members of the Council that have prevented such accountability.

The representative of Syria and perhaps of Russia may suggest that the draft resolution voted on today was biased, and I agree. It was biased in the direction of establishing facts and tilted in the direction of a peace that comes from holding accountable individuals, not entire groups, such as the Alawites, Sunnis or Kurds.

The outcome of today's vote, disappointing as it is, will not end our pursuit of justice.

My Government will continue to work with the many other Governments and organizations to encourage and facilitate the further gathering of evidence. There is no limit to our determination to see that the victims of the atrocities in Syria and their loved ones receive answers in accordance with the majesty of law. In that quest, we will be guided by the fundamental principle of civilization, which has truly stood the test of time. As Solon, the Athenian sage, said more than 2,500 years ago, "Those who are not wronged, no less than those who are wronged, exert themselves to punish the wrongdoers." The overwhelming majority of Council members affirmed that today.

**Mr. Gasana** (Rwanda): Rwanda takes the floor to explain its vote on draft resolution S/2014/348, which requests the referral of the situation of the Syrian Arab Republic to the International Criminal Court (ICC). I thank Mr. Jan Eliasson, Deputy Secretary-General, for his statement and acknowledge the presence among us of Ambassador Bashar Ja'afari, Permanent Representative of the Syrian Arab Republic to the United Nations.

Rwanda's position on the ICC, which we have expressed on several occasions in the Council, is well known, The debate on the International Criminal Court is indeed legitimate and should continue within the United Nations with a view to together achieving a fair and more efficient criminal justice system that is better able to fight against impunity for the most serious crimes.

However, we are not here today to hold another substantive debate on the ICC, as Ambassador Samantha Power said. I fully agree with her. Our grandchildren will one day ask us what we did to stop the Syrian tragedy. We are here as fathers, mothers, human beings and representatives of the community of nations, who should listen to the voices of the more than 160,000 people slain over the past three years in Syria. That reminds us that the Council cannot be inured to mass atrocities. We are here as a collective body, vested with the responsibility to maintain international peace and security. That includes the responsibility to protect and the obligation of hold accountable the perpetrators of the most serious crimes. Children are being gassed, women sexually abused and men tortured. Barrel bombs have been used against hospitals and schools. The communities devastated by the terrorist attacks in Syria are living in endless horror.

Rwanda has repeatedly called for a political solution to the Syrian crisis within the framework of the Geneva peace process. We have also endorsed the call of the Secretary-General, urging all concerned States Members of the United Nations to refrain from supplying weapons to aid any side in Syria. We agree that no concerned State has heeded that call. Nonetheless, the magnitude of human rights violations in Syria requires immediate action by the international community, in particular the Security Council. We all know that the Syrian jurisdiction is currently not in a position to hold the perpetrators of mass atrocities in Syria to account.

We therefore thank France for introducing the draft resolution as a strong signal to the warring parties in Syria that the Security Council is committed to accountability. That is why Rwanda voted in favour of the draft resolution. Despite the failure to adopt it, which we regret, Rwanda has not lost hope in justice and accountability in Syria. However, to achieve that goal, we need the permanent members of the Security Council to open their minds and hearts in order to find a solution to such a humanitarian and human rights disaster. Despite the real achievements in eliminating the Syrian chemical programme, it is clear that the Council's credibility in maintaining international peace and security remains seriously challenged over its inability to end the horror being committed in Syria.

As co-chair of the Group of Friends on the Responsibility to Protect, and given our own history of genocide, Rwanda takes this opportunity to reiterate its call to all permanent members of the Security Council to consider seriously and carefully the French proposal of a code of conduct among themselves by which they will voluntarily refrain from using the veto in situations of genocide, war crimes, ethnic cleansing and crimes against humanity. In that context, pending a meaningful reform of the Security Council, we believe that such a code of conduct could be a necessary tool to enable the Council to re-embrace the moral values enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights.

In conclusion, all of us must commit ourselves to putting action for humanity above inaction for interests. That is the only way we can honour the Syrian victims and show to a sceptical world that we, the members of the Security Council, have learned lessons from the past and have decided to live up to the noble mission with which the community of nations has entrusted us.

**Sir Mark Lyall Grant** (United Kingdom): We have heard time and again in this Chamber the horrific scale of violations and abuses carried out against civilians by the Syrian regime over the past three years of the conflict: the indiscriminate bombardment of civilian inhabited areas; horrendous violations, including systematic murder and torture in regime detention centres; the arbitrary denial of humanitarian access to those in need; and the use of siege and starvation as a weapon of war.

Today's draft resolution S/2014348 /offered Syrians the prospect of an end to impunity for the individuals who committed those atrocities. Holding perpetrators to account for their actions is a vital element of a sustainable peace. No settlement in Syria can be real or lasting without justice. The draft resolution would have given the Prosecutor of the International Criminal Court a mandate to investigate all war crimes and crimes against humanity perpetrated during the conflict, regardless of the identity or affiliation of the perpetrator.

The draft resolution had the support of 13 members of the Security Council, 65 sponsors, more than 100 non-governmental organizations from all around the world, and the Syrian National Coalition. That shows the strength of international feeling on this issue. It is to Russia and China's shame that they have chosen to block efforts to achieve justice for the Syrian people. It is disgraceful that they have yet again vetoed the Security Council's efforts to take action in response to the appalling human rights violations being committed every day in Syria. Russia and China will have to justify their behaviour, not only to those States and organizations, but to so many of the Syrian people who continue to suffer under Al-Assad's brutal regime.

The United Kingdom is committed to accountability. Despite today's vote, we will continue to look for ways to ensure that there can be accountability in Syria. We will continue to support efforts to document atrocities and will remain ready for the time when those responsible can be held to account. The perpetrators of appalling crimes in Syria may be able to hide behind Russian and Chinese vetoes for now, but they will not be able to evade justice forever.

**Mr. Omaish** (Jordan) (*spoke in Arabic*): Today, Jordan voted in favour of draft resolution S/2014/348 based on our deep conviction regarding the principles of criminal justice and the need for criminal accountability, in an attempt to put an end to the policy of impunity pursued since the beginning of the Syrian crisis and based on our belief in the principles of the Rome Statute of the International Criminal Court. We would like to express our deep regret that the Council was unable to adopt the draft resolution today.

At the same time, we would like to emphasize our support for the French initiative, which is designed to limit the use of the veto when the Security Council is voting on draft resolutions related to the perpetration of genocide, war crimes and crimes against humanity, in order to avoid a repetition of what we have seen today.

**Ms. Lucas** (Luxembourg) (*spoke in French*): For over three years, Syria has been foundering each day a little further into the horror of an indiscriminate violence that kills in a climate of absolute impunity. That absolute impunity is one of the reasons that the parties to the conflict in Syria continue to engage in a bloodbath in which civilians are the first victims.

Evidence of atrocities in Syria accumulate as succeeding reports are issued, whether it be the reports of the Independent International Commission of Inquiry established by the Human Rights Council, the reports of the United Nations High Commissioner for Human Rights, the Caesar (S/2014/244, annex) on systematic torture committed on an industrial scale in Syrian prisons, or non-governmental organizations' reports, including on the use of barrel bombs against the civilian population. Syria is at war, yes, but war does not justify everything. Even war has its rules under international law, and those rules are violated every day in Syria.

More than 160,000 people have already died in the Syrian conflict. The list of atrocities in Syria is too long for us to list them all, but I would like to mention here the untold suffering inflicted on children in the conflict. More than 10,000 children have been killed. Countless children have been injured or maimed by aerial bombardments in populated areas, with Syrian Government forces indiscriminately using cluster munitions and barrel bombs. Children are arrested, recruited as combatants, arbitrarily detained, abused and tortured. A number of children have been victims of sexual violence or have disappeared. All parties to the conflict have targeted schools and hospitals or have used them for military purposes.

To end the conflict and atrocities in Syria, it is essential to work for a political solution. Everyone recognizes as much. But the efforts to reach a political solution are at an impasse, mainly because the Syrian

authorities refuse to discuss a genuine political transition. For our part, we cannot accept the political impasse being used by some of our partners as an excuse to prevent us from taking action against impunity in Syria. Fighting against impunity is not incompatible with the search for a political solution — quite the contrary. To fight against impunity is to fight against precisely the elements that fuel war and violence. To fight against impunity is to deter perpetrators from committing more crimes. We deeply believe that justice is an essential ingredient — an indispensable ingredient — to restoring peace in Syria.

That is why, since January 2013, along with 57 other States, Luxembourg has pleaded relentlessly with the Security Council to refer to the Prosecutor of the International Criminal Court (ICC) the situation that has prevailed in Syria since March 2011, without any exceptions and without distinguishing among the alleged perpetrators of crimes. The victims in Syria are begging us to give them at least that, a glimmer of hope that ultimately they will have justice and the perpetrators of the heinous crimes that have been committed in the country will be held accountable for their actions. The ICC was established precisely in order to end impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, and to ensure the effective prosecution of such crimes when a State is unwilling or unable to do so. That is certainly the case in Syria.

For that reason, Luxembourg sponsored and voted in favour of today's draft resolution (S/2014/348), proposed by France to the Security Council, to refer the situation in Syria since March 2011 to the Prosecutor of the International Criminal Court. Beyond what divides us, there is a set of shared values, a shared humanity and a shared belief in the dignity and worth of human beings that should unite us and generate unanimity in the Security Council. The draft resolution proposed by France reflects those shared values. Without polemicizing, it was aimed at referring to the ICC all violations committed by all parties to the conflict in Syria — the widespread violations of human rights and international humanitarian law committed by the Syrian authorities and pro-Government militias, on the one hand, and the violations of human rights and international humanitarian law committed by the non-State armed groups, on the other.

It is with deep regret that we have to conclude that our shared humanity and values have not prevailed today, and that the draft resolution could not be adopted because two permanent members, Russia and China, voted against it. This double veto is doubly damaging because it will have a serious impact on the future of the Syrian people, who daily endure the horrors of an endless spiral of violence, and because it affects the Security Council's credibility and effectiveness, condemning it to inaction in the face of impunity. Today's vote has highlighted the impasse the Security Council finds itself in, thanks to the abuse of the right of veto. In that regard, Luxembourg supports France's proposal that the five permanent members refrain from resorting to the right of veto in cases of mass atrocities, genocide, war crimes or crimes against humanity. A voluntary code of conduct such as this would help to strengthen the Council's credibility and, above all, its effectiveness in protecting civilian populations.

Despite today's vote, we will not throw up our hands. Faced with the war crimes and crimes against humanity committed in Syria, we will never stop calling for justice for the Syrians. And we will not give up the hope that our shared humanity will ultimately prevail.

**Mr. Barros Melet** (Chile) (*spoke in Spanish*): We deeply regret that the draft resolution we have just voted on (S/2014/348), which sought to refer the situation in Syria to the International Criminal Court for the investigation and subsequent punishment of those responsible, whoever they may be, could not be adopted. On many occasions Chile has joined those calling on the countries that enjoy the right of veto to refrain from using it in situations involving crimes against humanity, war crimes, genocide or ethnic cleansing. We believe that the Security Council should have the ability to act in support of the values and principles that are most fundamental for humankind. Chile sponsored the draft resolution in a spirit of openness and in the conviction that it represented a necessary step in obtaining justice for all the victims of the conflict in Syria, without any distinction between the various sides.

Our country is a party to the Rome Statute and, as such, we believe that its integrity must be upheld so as to enable it to be fully implemented and effective in the fight against impunity. The International Criminal Court has shown itself to be the best tool for investigating the acts that have produced the draft resolution that could not be adopted today.

**Mr. Quinlan** (Australia): Today the Security Council has again failed the people of Syria. The

war there is now in its fourth year. The country has been broken apart, possibly irretrievably. Almost half its population of more than 20 million people have fled or been displaced. One family flees Syria every 60 seconds. We face a regime whose military strategy is based on the deliberate targeting of civilians through sieges, the use of starvation as a weapon of war, indiscriminate aerial bombardment, the targeted use of barrel bombs on residential neighbourhoods, arbitrary denial of humanitarian access and medical supplies, the targeting of hospitals and medical personnel, mass systematic torture, sexual violence and execution, forced depopulation of towns and cities and denial of humanitarian supplies to its own citizens not living in Government-held areas.

The humanitarian crisis, the greatest in this century, is spiralling downwards. There is no solution in sight. All sides in the conflict, including the extremists and terrorists who have sought to hijack the opposition, are guilty of terrible crimes. There is a pervasive culture of impunity. No one is held accountable. The Independent International Commission of Inquiry for Syria has documented extensive evidence over the past three years against those who have committed war crimes and crimes against humanity. The United Nations High Commissioner for Human Rights has concluded that such crimes have been committed and over the past three years and has consistently called for referral of the situation in Syria to the International Criminal Court (ICC). In April, the Council itself was shown the chilling photographic evidence, contained in the Caesar report (S/2014/244, annex), documenting the widespread and systematic torture and execution on an industrial scale of detainees held by the Syrian regime. The Secretary-General has persistently called for accountability for the crimes we are seeing in Syria. The International Criminal Court was specifically established to ensure that those most responsible for the worst mass-atrocity crimes would be held to account, particularly in cases where their national authorities were unwilling or unable to do so domestically.

The Syrian authorities have not only failed in that responsibility, they are themselves among the perpetrators of such crimes. The international community must therefore act. Australia was one of 58 United Nations States Members who wrote to the Council 18 months ago seeking referral of the situation in Syria to the ICC, and the situation has become so much worse since then. The number of sponsors of today's draft resolution (S/2014/348), 65, and the 13 votes in its favour, should send an unmistakable message to those responsible for these crimes. The draft resolution may have been vetoed, but there is no statute of limitations on the crimes being committed in Syria, and we will continue to pursue justice for the victims.

The Security Council has a responsibility to protect, a responsibility mandated by all our leaders at their World Summit in 2005, and to prevent mass atrocities where we can. The Council's role was specifically recognized in the Rome Statute, because accountability is central to protection and to the Council's fundamental responsibilities relating to the maintenance of international peace and security. The use of the veto to block a balanced draft resolution, attempting to deliver accountability for the commission of mass-atrocity crimes, comes at a great human cost. The Council will, correctly, be judged harshly for that failure. At the very least, today's failure underlines the importance of voluntary restraint on the use of the veto in situations where mass atrocities are so clear.

This is the fourth veto in the Council in three years to prevent action in Syria. In implementing our mandate on peace and security, the Council is now engaged in authorizing some of the highest numbers of peacekeepers ever and increasingly in robust operations to protect civilians in many crises. We are doing that by common agreement among all members, as we should. But when we fail, as we have again on Syria today, the consequences can be devastating. The victims of conflict have a right to the support of the Security Council and action on our part. The Council has a responsibility to provide that support and to act.

**Ms. Murmokaitė** (Lithuania): I think we all knew what the outcome of today's voting would be, and yet it is profoundly disappointing and disturbing to see a fourth veto on the situation in Syria, this time on the referral of the Syrian conflict to the International Criminal Court (ICC). We thank France for creating draft resolution S/2014/348, which was sponsored by 65 States, including my own.

With more than 160,000 lives lost, 2.7 million refugees and close to 6.5 million displaced persons, this veto is what it is — an endorsement of impunity. It is a license for all perpetrators of human rights violations, mass atrocities, crimes against humanity and war crimes, in Syria and elsewhere, to continue those grisly acts at will. Gross violations of international

humanitarian law and human rights law continue in Syria on a daily basis. Barbaric crimes are being committed on a massive scale — crimes that should have no place in the twenty-first century. Terrorism is on the rise. Starvation is used as a weapon of war. Humanitarian access is denied humanitarian aid manipulated to force surrender. The level of physical destruction and devastation is beyond description. A generation of Syria's children — 5.7 million, according to UNICEF — are growing up robbed of a childhood, education, home and consequently of their future. They represent a huge lost generation.

Last month, during an Arria Formula meeting, many of us were shocked into silence by the images contained in the Caesar report (S/2014/244, annex) of thousands of emaciated bodies bearing multiple signs of horrific torture. To us, shocking as they were, these were just images. To countless victims in Syria, they are the gruesome facts of their daily lives. More recently, many of us witnessed another testimony to the atrocities committed by the Syrian regime, resulting from the indiscriminate use of barrel bombs — again, images too shocking to bear, yet gruesome facts of daily life for the people of Syria.

Yet none of that seems to have moved those who once again chose to veto a Council resolution on Syria, and who by doing so chose to protect the victimizers, not the victims, and opened even wider the floodgates of bloodshed and impunity. The Syrian regime had ample opportunities to first prevent and then stop the bloodshed. It never sought to do so. A referral to the ICC would not and could not have impeded any process towards peace and reconciliation, because no such process was taking place. All sides think they can win the battle by force, which means even more civilian deaths and even more destruction. The long-suffering people of Syria deserve better.

As a permanent international court with a mandate to prosecute war crimes and crimes against humanity when national authorities are unable or unwilling to do so, the ICC was created to address exactly the type of situation that exists in Syria today. Although the Court's work can be only one piece of the larger justice and accountability effort needed in that war-ravaged country, Syria's referral could have been a crucial first step in the right direction. By today's veto, that first crucial step towards justice and accountability was callously denied.

Today's veto is a stand on the wrong side of justice and accountability — a stand on the wrong side of humanity. And yet, I am encouraged to see that today, so many more chose to stand on the right side of history.

**Mrs. Perceval** (Argentina) (*spoke in Spanish*): Since we joined the Council in January 2013 and on numerous occasions, Argentina has supported the referral of the situation in Syria to the International Criminal Court so that the Court could impartially exercise its jurisdiction with regard to all parties to one of the most cruel, atrocious and overwhelming realities of our time.

Allowing the perpetuation of impunity to be the response to the crimes committed by all parties in Syria corrodes not only the ethical, political and legal foundations of the United Nations, but also the Council's responsibility to maintain international peace and security. It is untenable and even offensive today to seek to present a false dichotomy between peace and justice. We have all learned that there is no justice without peace and that peace is endangered without justice.

Following our political resolve, our ethical responsibility and our respect for international law, Argentina voted in favour of the referral of the situation in Syria to the International Criminal Court. Our sole, firm and clear objective was the investigation and prosecution by the Court of perpetrators of the grave crimes idenfitied in the Rome Statute and the recognition of the inalienable rights of their victims to truth, memory, justice and reparation. At the same time, Argentina decided not to be a sponsor of the initiative, because it was also our objective to preserve the integrity of the Statute, which requires referrals to the Council to be formulated in the appropriate terms so as not to undermine the legal foundations of the Rome Statute itself or the Court's validity and effectiveness.

On the one hand, it would seem that once again we are to accept as normal the exercise of selective justice. We should not be surprised that in comparable situations where heinous crimes are committed, some are considered appropriate to be referred to the Court while others are not. On the other hand, there seems to be an attempt to make us believe that undermining the integrity of legal instruments in no way hinders the objective of achieving justice. In some cases, transcendent values are invoked, whereas in others sophisticated arguments are brought into play, although

they mainly lean on the pragmatic principle that the end justifies the means. We have learned from experience, however, that not every means leads to the desired end.

For Argentina and many other Member States, neither the normalization of arbitrary behaviour, nor legal regression nor pragmatism without values are valid options. In our view, every heinous crime must be subject to justice, wherever it may be committed and whoever its perpetrators may be. Just as with human rights, we cannot claim to respect some but not to recognize others. We cannot maintain that we defend the applicability of some provisions of a norm, but not its entirety.

In 2005, when the Council adopted resolution 1593 (2005), referring the situation in Darfur to the International Criminal Court, Argentina, as an elected member of the Council at the time, maintained that certain elements of the resolution should not become permanent. However, today, we face the same scenario, since the draft text before us reflects the intention to refer only certain individuals, allows exemptions regarding the scope of the jurisdiction of the Court and the obligation to cooperate with it, and includes a paragraph stating that the Council recognizes that expenses incurred in connection with the referral will not be borne by the United Nations but by the States parties to the Rome Statute or through voluntary contributions, thereby contradicting the provision of the Statute. Is it necessary to recall that the Security Council has the authority to compel all Members of the United Nations, both parties and non-parties to the Rome Statute, to cooperate with the Court? It is disappointing that the Council does not put that ethical obligation into practice.

With regard to exceptions of jurisdiction for States not party to the Statute and the lack of United Nations funding for referrals, I must mention not only Argentina's strong objection to such provisions but also our understanding of the outcome, including for the two previous referrals. In accordance with the Rome Statute, in a referral the Court exercises its jurisdiction over nationals of parties and non-parties to the Rome Statute. The Security Council does not have the power to declare an amendment to the Statute in order to grant immunity to nationals of States non-parties who commit crimes under the Statute in a situation referred to the Court. That is to say, nothing in the text of paragraph 7 or of any other paragraph of the draft resolution on which we have just voted would have had the power to amend the standard of the Statute with regard to the Court's jurisdiction in a given situation or the fact that if a decision is needed, the Court is ultimately the judge of its own jurisdiction.

With regard to the funding for referrals, the provision in paragraph 8 is not in accordance with the Rome Statute and the Relationship Agreement between the United Nations and the International Criminal Court; Relationship Agreement. It is blatantly unfair. Argentina disagrees with the Council's claim that the expenses of the referrral will not be met by the United Nations. The Council cannot assume powers that it does not possess, such as that of deciding the funding of the referral. Under the Charter of the United Nations, that is within the General Assembly's jurisdiction. That is also clear in paragraph 8, which refers to General Assembly resolution 67/295. When it considers it timely, the General Assembly therefore can, under the Relationship Agreement, decide on the funding of referrals made by the Council.

In conclusion, I would like to say that this is an extremely sensitive and regrettable meeting. What we should have done in good faith and failed to do by speaking with one voice was in the end achieved through powerlessness. Countless victims have heard that the Council was unable to reach agreement on putting an end to the deadly violence, eliminating the humiliating impunity or helping to restore the lost peace in Syria.

However, the noble task and functioning of the ICC in a multilateral system that seeks to end impunity, establish the rule of law, promote and encourage respect for human rights and achieve a lasting peace in accordance with international law and the purposes and principles of the Charter of the United Nations, as stated in the Kampala Declaration, does not allow us to believe that we will never achieve what we have been unable to do so to date. There is too much injustice for us not to be fully confident that the Security Council sooner rather than later will change its perception of power and its way of working.

**Mr. Cherif** (Chad) (*spoke in French*): For more than three years, the situation in Syria has worsened daily. There is no sign of improvement or calm on the horizon. Nearly every day brings its share of new victims. Syrian civilians, in particular women, children and the elderly, are caught in the middle and continue to be the targets of deliberate attacks, daily facing air strikes, artillery fire, barrel bombs, forced displacement, car bombings,

rape, torture, abduction and kidnapping. Such acts are serious violations of international human rights and humanitarian law and their perpetrators, whatever their affiliation, should be brought to justice.

Chad has always denounced and firmly condemns all kinds of violence and atrocities against civilians by whomsoever. Unfortunately, we note with regret that all such atrocities have not only gone unpunished but have become more frequent as the conflict escalates. We believe that the scope of violence and the lack of prospects for a peaceful way out of the crisis jeopardize the conditions conducive to the credible and fair prosecution of the most serious crimes in national courts. In that regard, not to support an initiative seeking to combat impunity and the denial of justice would be a serious failure by Chad as a State party to the Rome Statute. In that strong belief and wanting to contribute to the common effort to put an end to the suffering of victims, Chad voted in favour of the draft resolution that we have just voted on but, unfortunately, not adopted.

While voting in favour on principle, Chad regrets that the draft resolution, like those on Darfur and Libya, provides for the discretionary treatment of a category of State nationals with respect to the same crime. However, such exemptions, which are in some cases justified, are difficult for victims to accept and undermine the principle of settling scores and the ideal of independent and credible international criminal justice for all, without exception, for the most serious crimes.

In conclusion, Chad reiterates its appeal to all parties to the Syrian conlfict to immediately meet their obligation to protect civilians, humanitarian personnel and medical vehicles and to allow the humanitarian agencies unimpeded access to the entire civilian population.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): We understand the motives of many delegations that supported or co-sponsored draft resolution S/2014/348, referring the case of Syria to the International Criminal Court (ICC). We share the emotions elicited in them by the crisis in Syria, which has dragged on for far too long. It is hard to witness the destruction, loss of life and suffering of the people.

It is more difficult to discern the motives that led France to initiate the draft and put it to a vote, fully aware in advance of the fate it would meet. There has been no dearth of complaints about the lack of unity concerning Syria among the five permanent members (P5) of the Security Council. Indeed, when that unity is present, we manage to achieve concrete positive results. Among such results, undoubtedly, was the adoption of resolution 2118 (2013) on the destruction of the Syrian chemical stockpile. That programme is about to be successfully completed. Another important benchmark was resolution 2139 (2014), on humanitarian issues.

P5 unity is important. After all, it is the reason for which France has been pushing for P5 engagement in the political settlement of the crisis. It has failed, however, to advance any positive substantive ideas. Why deal such a blow to P5 unity at this stage? Is it just to try once again to create a pretext for armed intervention in the Syrian conflict? We must not overlook the fact that the head of French diplomacy saw fit to take advantage of his recent visit to Washington, D.C., to publicly criticize the United States for refusing to shower missiles and bombs on Syria last fall.

It should be pointed out that this damage to P5 unity is being inflicted at a critical point in the efforts to find a political solution to the Syrian crisis. The involuntary hiatus created by the resignation of Lakhdar Brahimi should be used for an in-depth, fair and collective analysis of the situation and to seek out any possible resource to break the vicious cycle of violence. In that respect, there is food for thought contained in the political testament left behind by Lakhdar Brahimi for the Security Council on 13 May. That is exactly what the draft resolution presented by Russia is aimed at: fostering the process of local truces. That draft resolution is not to the liking of our Western colleagues. They claim that the settlements already achieved cannot be used as standards.

One cannot help recalling the Russian saying that a bad peace is better than a good quarrel. What are our Western colleagues proposing instead? They are offering talk, which is good for naive people, and assering that they will supply new types of weapons to good opposition groups only. Their list of good guys now includes the Al-Nusra Front, which has openly confessed to a series of brutal terrorist attacks, including the recent one in Aleppo that claimed the lives of dozens of civilians. I would note that our Western colleagues are demanding that cross-border humanitarian deliveries to Syria be conducted through border crossings controlled by the Front. At the same time, they have long blocked any condemnation by

the Security Council of the numerous terrorist attacks committed in Syria.

Pursuing regime change by force in Syria at all costs will prolong the crisis and undermine the Geneva negotiations. It is telling that Ahmad Jarba, the leader of the National Coalition, made no effort to show up to the Geneva negotiations, and is instead travelling the world in search of weapons. Moaz al-Khatib, one of his predecessors, was removed from office just for attempting to launch talks with Damascus to stop the bloodshed. In that context, it is striking that there is not a single word on the political settlement and the negotiating process among Syrians in the communiqué issued on 15 May following the meeting of the so-called London 11. The Western troika took great pains to dissuade the Secretary-General and his Special Representative from calling another round of Geneva negotiations.

What justice can one talk about when the overriding policy is aimed at escalating the conflict? The draft resolution rejected today reveals an attempt to use the ICC to further inflame political passions and lay the ultimate groundwork for eventual outside military intervention. It should be noted that the so-called Caesar resport (S/2014/244, annex), which was used to build up tension in the run-up to the introduction of the draft resolution, was based on unconfirmed information obtained from unverifiable sources and therefore cannot serve as a platform for taking such a serious decision.

One cannot ignore the fact that the last time the Security Council referred a case to the International Criminal Court (ICC) — the Libyan dossier, through resolution 1970 (2011) — it did not help resolve the crisis, but instead added fuel to the flames of conflict. After the cessation of hostilities, the ICC did not exactly rise to the occasion, to put it mildly. It did not contribute to a return of normalcy or justice in Libya, and instead evaded the most pressing issues. The deaths of civilians as a result of NATO bombardments was somehow left outside its scope. Our colleagues from NATO countries arrogantly refused to address that issue altogether. They even refuse to apologize, even as they waxed eloquent about shame. They advocate fighting impunity but are themselves practicing a policy of all-permissiveness.

The United States frequently indicates the ICC option for others, but is reluctant to accede to the Rome Statute itself. In todays's draft resolution, the United States insisted on an exemption for itself and its citizens. Great Britain is a party to the ICC, but for some reason is unenthusiastic about the exploration in the Court of crimes committed by British nationals during the Iraq war. If the United States and the United Kingdom were to together refer the Iraqi dossier to the ICC, the world would see that they are truly against impunity.

We proceed from the premise that the Geneva communiqué of 30 June 2012 (S/2012/522, annex) remains at the core of efforts to settle the Syrian crisis. The communiqué interprets the principles of accountability and national reconciliation as interrelated, leaving the leading role in that process to the Syrians themselves.

We are convinced that justice in Syria will eventually prevail. Those guilty of perpetrating grave crimes will be punished, but if that is to happen, peace is needed first and foremost. Russia will continue to make every effort to stop the bloodshed as soon as possible. We call upon our Western colleagues to abandon their futile, dead-end policy of endlessly escalating the Syrian crisis. We invite everyone who truly values the interests of the Syrian people to join us in our efforts to find a Syrian political settlement. Judging, as France has today, that the political process is dead is just irresponsible. Indeed, it is treachery towards the Syrian people.

**Mr. Wang Min** (China) (*spoke in Chinese*): For over three years, the escalation of the conflict in Syria has inflicted deep suffering on the Syrian people and posed a serious challenge to the countries of the region and the international community. China has always maintained that all parties in Syria should respect human rights and international humanitarian law and prevent innocent people from being harmed during the conflict. China is firmly opposed to all violations of international humanitarian law or serious violations of human rights committed by all parties to the conflict in Syria. However, with regard to draft resolution S/2014/348, on which the Council voted earlier, China has some serious reservations.

First, China believes that any action to seek recourse to the International Criminal Court (ICC) to prosecute the perpetrators of serious violations should be conducted on the basis of respect for State judicial sovereignty and the principle of complementarity. China is not a State party to the Rome Statute. China always has reservations concerning the referral by the Security Council of particular country situations to the ICC. This is our principled position.

Secondly, efforts to seek a political settlement to the question of Syria are encountering difficulties. The international community must shore up its confidence, remain patient and be steadfastly committed to the overall direction of the political settlement. What is most urgently needed now is to urge the Government of Syria and the opposition to immediately implement a ceasefire and put an end to the violence in order to start a third round of negotiations in Geneva so as to advance the political process and embark on a political transition. In the current circumstances, to forcibly refer the situation in Syria to the ICC is not conducive either to building trust among all parties in Syria or to an early resumption of the negotiations in Geneva. It will only jeopardize the efforts made by the international community to push for a political settlement.

Thirdly, for some time now, the Security Council has maintained unity and coordination on the question of Syria, thanks to efforts by Council members, including China, to accommodate the major concerns of all parties. At a time when seriously diverging views exist among the parties concerning the draft resolution, we believe that the Council should continue holding consultations, rather than forcing a vote on the draft resolution, in order to avoid undermining Council unity or obstructing coordination and cooperation on questions such as Syria and other major serious issues. Regrettably, China's approach has not been taken on board; China therefore voted against the draft resolution.

I have already clearly elaborated my country's position and explicitly highlighted the facts and reasons. Just now, the United States, the United Kingdom and other Western countries have made totally unfounded accusations against China. That is irresponsible and hypocritical. China firmly rejects the slander expressed by those Western countries against China.

China has continued to uphold an objective and impartial position on the question of Syria. China pursues no self interest on the issue, much less shield any party, faction or persons in Syria. As a permanent member of the Council and a responsible member of the international community, China has remained committed to seeking a political settlement to the question of Syria.

China has endeavoured comprehensively and in a balanced manner to engage with the Government of Syria and opposition parties to urge them, based on the demands of all sides, to seek a middle path appropriate to the country's conditions and accommodating the interests of all sides through dialogue and negotiation.

China is highly concerned about the humanitarian situation in Syria and sympathizes with the suffering of the Syrian people. It has provided humanitarian assistance to the Syrian people and Syrian refugees in neighbouring countries through various channels on many occasions. China attaches great importance to the legitimate concerns of all sides and of the Arab countries on the question of Syria. We remain willing to maintain close contact with all parties and promote active efforts to seek a political solution to the question of Syria and to maintain peace and stability in the Middle East region.

**The President**: I shall now make a statement in my national capacity.

The Republic of Korea voted in favour of draft resolution S/2014/348. The situation in Syria requires resolute and swift action by the Security Council. Seeking accountability should be part of that action, because sustainable peace is not possible without justice. That is why we voted in favour of the draft resolution, which referred the crimes against humanity in Syria to the International Criminal Court.

It is extremely regrettable that the Council was not able to agree to take action due to the vetoes. We are letting down the aspirations of the international community and of the Syrian people. It is also disappointing to see the misplaced perception that efforts to deliver justice cannot be compatible with efforts to seek a political solution.

Having said that, I still believe that the Council cannot afford to take today's vote as a lasting setback in our efforts. The current situation on the ground is simply too serious and continues to call for effective action on the part of the Council. The Republic of Korea remains committed to working with other members to answer the call.

I now resume my functions as President of the Council.

The representative of France has asked for the floor to make a further statement.

**Mr. Araud** (France) (*spoke in French*): I had hoped that the tone of my speech would have demonstrated to everyone seated around this table and in the Chamber our determination that the Council not again manifest the same divisions. I wanted my statement to reflect my

desire to respect the dignity of the debate — a debate that has to do with the infinite suffering of the Syrian people — and my desire that those who committed crimes be one day held to account for them. I see no other way except to appeal to the International Criminal Court. It was therefore a quite simple intervention. I regret the fact that the representative of the Russian Federation replied with an invective and direct personal attacks. I will refer to four points raised in my Russian colleague's intervention: absurdity, confusion, error and, lastly, effrontery.

With respect to absurdity, it was said that we introduced draft resolution (S/2014/348) in preparation for a military intervention. I do not consider that point even worth arguing. As Talleyrand said, whatever is excessive is insignificant.

On confusion, we have heard and seen our Russian colleague moving from Tripoli to Baghdad, as if the crimes and excesses committed in Tripoli and Baghdad excused the current crimes and excesses in Damascus today.

In error, my Russian colleague asserted that the Syrian National Coalition was responsible for the current impasse in the Geneva talks. In fact, as Mr. Brahimi said himself here in the Council, in reality it is the regime that is refusing his proposed two-pronged approach, namely, parallel negotiations on the subject of terrorism and the matter of the transitional Government.

The representative of the Russian Federation appealed to Mr. Brahimi several times to convene new negotiations in Geneva. And Mr. Brahimi replied that it was impossible because the regime simply did not want to negotiate the transition. He said that he first needed a general agreement on terrorism, before negotiating the transition. If I define my Russian colleague's description of the reasons for the failure of the Geneva negotiations as erroneous, it is because I am being quite polite.

Finally, referring to effrontery, I believe that in New York it is known as "chutzpa": just like accusing Western Powers of providing weapons to the opposition while in fact Russia has never stopped selling weapons to the regime. I am absolutely speechless at the fact that the Russian Federation dares to raise the issue of weapons. But if the Ambassador of the Russian Federation wants, we can impose an arms embargo on Syria. I am ready to vote in favour of that. But would he vote in favour of an arms embargo? Clearly, I think he would not.

Lastly, with regard to the statement that the Caesar report (S/2014/244, annex) is not verifiable — I regret to say that is simply not true. The Caesar report was submitted to independent experts from several countries and all of them said that the photographs could not have been technically altered.

I regret having to respond in this tone to the direct attacks on the French Ministry for Foreign Affairs and France. I wanted this debate to consider only the crimes and atrocities committed by both sides in Syria — as we have stated — and our straightforward determination to send the clear message that in 2014 we cannot not allow what took place in 1942 — notably at Russia's expense — or in 1994 to happen again. There are judges, and one day the criminals will pay. However, some prefer to protect the criminals.

**The President**: I now give the floor to the representative of the Syrian Arab Republic.

**Mr. Ja'afari** (Syrian Arab Republic) (*spoke in Arabic*): At the outset, on behalf of the Government of the Syrian Arab Republic, I would like to offer our condolences to the Government and people of Nigeria for the terrorist acts that have rocked Kano and two other cities, taking the lives of hundreds of innocent civilians, as well as to convey our sympathies to the relatives of the victims. I wanted to begin my statement with these condolences because, while all of us sitting at this round table feel the enormity of terrorism, none feel it as we Syrians do.

Some of the Member States that sponsored today's draft resolution (S/2014/348) on the Syrian situation remind me of Dr. Jekyll and Mr. Hyde in the Scottish writer Robert Stevenson's novel. They are trying to play the role of Dr. Jekyll, the good guy, by promoting noble principles, while in reality they represent Mr. Hyde, the evil guy. That evil role is manifest in their involvement in supporting terrorism in Syria and contributing to the continued bloodshed , while weeping crocodile tears over it. Mr. Hyde's hands are stained with Syrian blood, although he makes false claims of friendship with the Syrian people, to the extent that a few days ago — as mentioned by my colleague the Permanent Representative of the Russian Federation — the former leader of the so-called Syrian Coalition, a coalition orchestrated and manufactured by those who call themselves friends of the Syrian people, himself

described those friends by saying that half of them are liars, impostors and hypocrites, and they are responsible for the conditions we are witnessing today in Syria. He added that the West seeks to partition Syria.

That is the statement of a former leader of the Doha coalition, manufactured in well-known capitals. There happens to be a historical coincidence providing much evidence to back up this fact. On this very day in 1945, the Syrian delegation participated in the San Francisco Conference, convened to draft the Charter of the United Nations, at which Article 78 was formulated, thus guaranteeing that Syria would not become a territory under the French Mandate. On 29 May, 1945 the occupying French forces bombed the Syrian Parliament and killed its garrison. Since, as we have heard, war crimes are not subject to the statute of limitations, we demand that the Security Council hold the French Government accountable for the crimes it committed against Syrians and the peoples of the many countries it once occupied and whose resources it looted. We call on the Government of France to apologize publicly and pay compensation to our people. We assure the Council that the Syrian people are not going to forget the Sykes-Picot Agreement or the fact that France subsequently handed over Syria's Iskenderun region to Turkey. Moreover, the people of our region will never ignore the fact that it was France that introduced Israeli nuclear terrorism to the region.

The international legal system is based on fundamental pillars, of which the most important is the fact that States have primary and exclusive responsibility for establishing accountability and justice in their territories. As a result of the regrettable events in my country, the Syrian Government has taken a series of steps designed to hold accountable the people involved in those events and to take appropriate legal action against them. Our national investigation committee continues to work alongside the Syrian judiciary, which since the crisis began has investigated 30,000 cases, issued rulings on those involved and settled the conditions for others, confirming the Syrian Government's desire and ability to have justice and negating the possibility of pretexts aimed at involving any international judicial body that might contradict our national judiciary's powers.

The Syrian crisis has revealed the degree to which double standards rule when it comes to using the mechanisms of the United Nations in order to target certain Member States in particular regions in the name of law and justice. In an example of this approach, a group of Member States submitted today's draft resolution, which is political, discriminatory and interventionist par excellence. It is designed to upset the presidential elections in Syria and reshuffle the cards, fuelling the crisis and achieving propaganda goals. It seeks to involve the Security Council in the attitude of hysterical hostility taken by some Member States to Syria and its people. Its submission represents the ceaseless efforts by some Member States to arrogate to themselves the right to be the custodians of Syria's people and their national choices, in open disregard for the will of the Syrian people and in stark contrast to the Security Council's repeated affirmation of its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the call for a Syrian-led political solution to the Syrian crisis.

Moreover, the grounds presented by the sponsors in justification of the request for referral to the International Criminal Court are nothing but mendacious allegations and fabricated lies based on politicized and biased reports that defy reason. Those reports were provided by committees that ignored all the complaints, documents, evidence and proof provided by the Syrian Government, and they effectively help to serve the agendas of States engaged in a hostile campaign against Syria.

The Syrian Arab Republic believes in international criminal justice, and was among the States that participated actively in the United Nations Diplomatic Conference in Rome that adopted the Statute of the International Criminal Court and were its first signatories. Syria's view is based on how important it is that justice be comprehensive, transparent and in no way politicized, selective or subject to double standards. Against that backdrop, Syria called for the crime of aggression, as the chief of all crimes, to be included in the Court's jurisdiction. That, however, was denied, which is why my country has not ratified the Rome Statute. Today, the Government of the Syrian Arab Republic emphasizes that in order to achieve justice we must have the following.

First, we must hold accountable the Governments of Turkey, Saudi Arabia, Qatar, France, Israel and other States that are openly inciting violence and terrorism, including by funding, arming, sponsoring, training, recruiting and facilitating the entry of thousands of mercenaries and terrorists from various parts of the world into Syria, and that not only turn a blind eye

to their crimes but also describe such terrorists as a moderate opposition.

I would like to convey to the Council a piece of news mentioned by the chief commander of the Libyan Air Force. He said that the Al-Qaida terrorist organization in Libya and the Muslim Brotherhood in Libya together sent 224 flights from Libya to Turkey, and from there to Syria, to transfer terrorist mercenaries to Syria.

The balance of international justice and the rule of law therefore will not be set right without putting an end to the practices of those States and their repeated violations of international law and Council resolutions related to combating international terrorism. Terrorism is a crime, no matter by whom, wherever or for whatever purposes it is committed. Just as the terrorism practiced by the Boko Haram in Nigeria is unanimously condemned, and must be countered, equal condemnation should be directed towards the terrorism committed by its counterparts who are supported by Israel in the area of separation in the occupied Syrian Golan, backed by Turkey in the north and armed by Western and Arab Governments in full view of the United Nations. Those terrorists have committed unspeakable crimes that shame the human conscience, the most recent of which was cutting the water supply to the city of Aleppo and depriving nearly 3 million Syrians of drinking water and sanitation. We would have liked to see the States that submitted today's draft resolution instead present a draft resolution to combat the terrorism suffered by Syrians.

Secondly, there is a lack of accountability for the documented war crimes, crimes against humanity and acts of aggression and occupation committed by the Israeli authorities in the occupied Arab territories, including the occupied Syrian Golan, for over seven decades. Those crimes were committed with the support of some permanent members in the Council that have thus far enabled the Israeli war criminals to escape punishment and have obstructed all initiatives aimed at holding them accountable.

Thirdly, we are concerned about attempts to undermine justice through the immunity that some of the great Powers have arrogated exclusively for themselves. That immunity has helped them escape any accountability for their human rights violations their crimes committed in other Member States, with the aim of implementing colonial agendas and schemes for domination and oppression. Abu Ghraib, Guantanamo, the bombing of the Chinese Embassy in Belgrade, the flooding of Libya with blood, the secret prisons, the use of drones to kill innocent civilians, the practices of mercenary companies, such as Blackwater in Iraq, and others — all these are vivid examples of double standards that have escaped accountability and punishment.

It is ironic that those countries continue to try to impose their national legislation beyond their borders and recently imposed sanctions on the head of the National Relief Committee in Syria, while paying lip service to their alleged support for the Syrian people. Imagine, sanctions have been imposed on the head of the National Relief Committee for humanitarian relief in Syria. Under-Secretary-General Valerie Amos knows the head of the National Relief Committee in Syria, and I will refer those sanctions to her. I hope that she will do something.

That evidence, among other evidence, highlights the fact that justice is tailored to fit the measurements of targeted States. A crime may be prefabricated for some States in order to refer them to the Court, while others are shielded by a curtain that blocks the view of their documented crimes and violations. The draft resolution has been formulated in a way that protects Israeli war criminals from being held accountable for their crimes against the Syrian people. The draft resolution also keeps foreign terrorists and mercenaries flowing into Syria from other countries beyond the Court's jurisdiction. That process not only undermines the credibility of its drafters, but it also exposes their malicious intentions and aggressive motives.

Having mentioned the sanctions imposed on the head of the National Relief Committee, I would also like to remind the Council of another scandal that took place when sanctions were imposed on the Minister of Electricity in Syria. We referred the matter of the head of the National Relief Committee in Syria to Valerie Amos, and we will refer the sanctions on the Minister of Electricity to the Court of Thomas Edison.

I reiterate that my delegation assures all Member States that claim their concern for Syria and its people that the way to help the Syrian people is clear and well known. It is by exerting sincere and serious efforts to fight terrorism, which targets Syria and its people. It is also through supporting the efforts aimed at finding a national solution to the Syrian crisis. The solution should take into consideration the Geneva process, which

is based on the dialogue among Syrians themselves in order to reach consensus on rejecting violence, combating terrorism and establishing a national unity Government, without attempts to impose guardianship and interventionist agendas that do not mean any good for Syria or its people. The Syrians who will go to the polls to elect the President of the Republic will be doing so to protect their country from "creative terrorism", chaos and attempts to undermine the concepts of the State and sovereignty altogether.

In conclusion, it seems that the current French Government has misunderstood the famous phrase in French literature "Hell is the others" in terms of the belief that others are always an embodiment of hell, while what the French philosopher Jean-Paul Sartre meant by this phrase is that hell might be oneself and one's view of others and the way one interacts with them. Therefore, the French Government should look first at itself so that it might see hell in its actions and behaviours and not in others.

**The President**: The representative of France has asked for the floor to make a further statement.

**Mr. Araud** (France) (*spoke in French*): Please excuse me, Mr. President, I do not want to extend the debate further or get into polemics. I simply want to make a factual correction on the text of draft resolution S/2014/348, on which a vote has been taken. Unlike what our Syrian colleague has just said, the draft resolution does not exempt foreign mercenary terrorists from other countries from the jurisdiction of the International Criminal Court. Paragraph 1 states very clearly that armed groups are covered. And, concerning exemptions, paragraph 7 sets covers nationals of a country that is not party to the Rome Statute but who are engaged in operations established or authorized by the Security Council. In other words, if for example, citizens of a Member State of the Security Council were to participate in operations on Syrian territory, the International Criminal Court could prosecute them. The exemption in paragraph 7 does not protect terrorists, no matter what they nationality may be.

**The President**: The representative of the Russian Federation has asked for the floor to make a further statement.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): I should like to note that my French colleagues has not sounded very convincing today.

**The President**: The representative of France has again asked for the floor.

**Mr. Araud** (France) (*spoke in French*): Only those wish to be persuaded are persuaded.

**The President**: The representative of the Russian Federation wishes to make a further statement.

**Mr. Churkin** (Russian Federation) (*spoke in Russian*): We shall not concede that point.

**The President**: The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at noon.*